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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/477,042	12/31/1999	HENRY JOHN HUMMEL JR.	15-SV-5359	8637
44702	7590	09/23/2005	EXAMINER	
OSTRAGER CHONG FLAHERTY & BROITMAN PC 250 PARK AVENUE, SUITE 825 NEW YORK, NY 10177			MANNING, JOHN	
			ART UNIT	PAPER NUMBER
			2614	

DATE MAILED: 09/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/477,042

Applicant(s)

HUMMEL JR. ET AL.

Examiner

John Manning

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5,8,9 and 23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,5,8,9 and 23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed with respect to the amended claims have been fully considered but they are not persuasive.

Applicant argues that "[t]he "direct link" referred to in column 4, line 54, is irrelevant to the video communications, but rather simply relates to the transmission of readings from the remote site to the host site. Instead the video communications are between the host site and a portable computer at the remote site." The "direct link" is a link between the portable computer and the medical apparatus. Applicant argues further that "host site and a portable computer at the remote site. It would not be obvious to eliminate the portable computer and have the host site communicate directly with each imaging system since this would require that a teleconferencing capability be built into each imaging system." Nowhere has it been suggested that the portable computer be removed. The portable computer is a part of the imaging system.

Applicant further argues "Levy neither discloses nor suggests the downloading of a training video to a medical diagnostic imaging system, which capability would render the invention of Levy superfluous." Levy discloses receiving video for training (see Col 6, Lines 54-66).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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3. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 depends upon claim 6, which has been cancelled. For the sake of examination, the Examiner presumes claim 8 to depend upon claim 5.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 5, 8-9 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,449,001 to Levy et al. in view of U.S. Patent No. 5,791,907 to Ramshaw et al. and further in view of U.S. Patent No. 6,477,708 to Sawa.

Regarding Claim 1, Levy discloses a method for video teleconferencing including a central service facility connected to any number of remote sites via a network (See Figure 1). Furthermore the system of Levy is based on a personal computer (Col. 5, Lines 11-45) and is used in conjunction with various medical diagnostic imaging devices (Col. 2, Lines 9-14) for the purpose of, among other things, technical and technique monitoring and training (Col. 6, Lines 54-67).

Further, Levy discloses that the invention may be a direct link between the

medical apparatus and the portable computer at the remote site (Col. 4, Lines 54-57). This direct connection between the computer and the imaging device reads on the claimed provision of software on medical diagnostic imaging systems as it is well known in the art that a single computer device may replicate the functionality of two or more interconnected computer devices that share data via a communication path. The video is displayed on the PC, which is part of the imaging system. Levy does not, however, disclose a method by which a specific training video is selected, requested, and transmitted from the central service facility to the medical diagnostic imaging system.

Ramshaw discloses an interactive medical training device based on a personal computer system with a display and a speaker wherein the user can select and receive high resolution video displays with prerecorded video segments and photographic images (Col. 7, Lines 33-41) from a local source (Col. 6, Lines 23-25) or a remote server over a network (Col. 7, Lines 1-7). It is well understood in the art that in such a client-server relationship (See Figure 1B and Col. 8, Lines 21-32), when the client makes a request for content of the server, the server retrieves the data from its storage device and sends the data across the network to the client. The client, upon receipt of the data, in this case a video segment, plays back the data in a video window as shown in Figure 4A. Ramshaw discloses the use of a video segment for training with respect to a medical procedure. It is implied that the person trained in the procedure would perform the procedure after the training, not before it. Ramshaw is evidence that

ordinary workers in the art would recognize the benefits of computer-based video training in a medical environment. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made would include the client/server video-on-demand training system of Ramshaw with the medical diagnostic imaging system teleconferencing training system of Levy in order to facilitate "off-line" distance learning to a plurality of users at a lower cost and higher availability than that of live instructor training. This reads on the claimed selecting a training video via an operator input to the medical diagnostic imaging system, sending a request from the system to the central service facility via the network where the video request comprises an identifier identifying the selected training video. What Levy in view of Ramshaw do not disclose, however, is a source system identifier in the video request identifying the medical diagnostic imaging system and the central service facility, in response to receipt of the request and identifier, verifying whether the medical system identified has a valid subscription and declining to retrieve data if the system identified by the identifier does not have a valid subscription.

Sawa discloses a bi-directional communication system using a client-server model whereby video information is transmitted over a network to a plurality of client terminals from a centralized server. Sawa further discloses that a "service request" is made that includes identification data (Col. 4, Lines 25-40). It is inherent that in order for the client to send such identification data in the service request that it must be stored in memory. This clearly reads on the

claimed video request (service request) identifying a source system identifier (identification data) identifying the client. Upon authentication of the client's identification data from the service request, the server will accept or not accept entry of the client (Col. 4, Lines 40-45). Only if the requesting client is authenticated will the video data server delivers video data to the client (Col. 3, Lines 54-58). This clearly reads on the claimed in response to receipt of request and identifier at the central service facility, verifying whether the client (in this case, the medical diagnostic system) identified by the identifier has a valid subscription and declining to retrieve data if there is no valid subscription. Sawa is evidence that ordinary workers in the art would appreciate the ability to authenticate users in a networked video transmission system. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the authentication server of Sawa with the medical diagnostic imaging video training system of Levy in view of Ramshaw in order to prevent unauthorized access to sensitive or copyrighted media content.

Regarding Claim 5, see Claim 1 above. Ramshaw discloses a plurality of clients (See Figure 1B). This reads on the claimed multiplicity of remote systems. Ramshaw further discloses an interactive medial training system that utilizes a graphical user interface for selecting a training video (See Figures 3A and 7A).

Regarding Claim 8, Levy in view of Ramshaw and further in view of Sawa disclose a system as stated above in Claim 5. Ramshaw further discloses an

interactive medical training device as stated above based on a personal computer system with a display and a speaker wherein the user can select, receive and play back high resolution video displays with prerecorded video segments and photographic images (Col. 7, Lines 33-41) from a local source (Col. 6, Lines 23-25) or a remote server over a network (Col. 7, Lines 1-7). The system of Ramshaw discloses a video/audio player for displaying the video data on the display screen (See Figure 4A) and audio to the user (Col. 6, Lines 13-14).

Regarding Claim 9, Levy in view of Ramshaw and further in view of Sawa disclose a system as stated above in Claim 5. Sawa further discloses a bi-directional communication system using a client-server model whereby video information is transmitted over a network to a plurality of client terminals from a centralized server. A dedicated authentication server (See Figure 1, Client Management Server 4) validates an authentication request message (Col. 4, Lines 25-40) sent via the network in the client's service request message. If a client is accepted, a message is sent to the video server (application server) indicating that the client has a valid subscription (Col. 7, Lines 13-22). What is not disclosed, however, is that the application server coupled to the license server is programmed to decline the video request if the license server communicates that the client identified by the identifier does not have a valid subscription. Official Notice is hereby taken that it is well known in the art that a server may deny a client access based on an access server indicating that the

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client does not have a valid subscription. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Levy in view of Ramshaw and further in view of Sawa with the license server communicating to the application server when a client does not have a valid subscription of the well-known prior art such that the video server (application server) may transmit subscription information or preview data to potential subscriber who is not yet registered.

Regarding Claim 23, see Claim 5 above.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

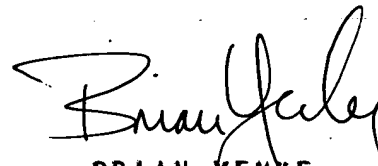
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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Manning whose telephone number is 571-272-7352. The examiner can normally be reached on M-F: 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JM
September 16, 2005


BRIAN YENKE
PRIMARY EXAMINER